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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR       | ATTORNEY DOCKET NO. | CONFIRMATION NO.  |
|---|-------------|----------------------------|---------------------|-------------------|
| 10/020,048  | 12/14/2001  | Matthias Stefan Bierbrauer | DE920000125US1      | 7481              |
| 46320   | 7590        | 10/06/2005                 | EXAMINER            |                   |
| CHRISTOPHER & WEISBERG, PA<br>200 E. LAS OLAS BLVD<br>SUITE 2040<br>FT LAUDERDALE, FL 33301 |             |                            |                     | LUDWIG, MATTHEW J |
| ART UNIT  |             | PAPER NUMBER               |                     |                   |
| 2178  |             |                            |                     |                   |

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/020,048             | BIERBRAUER ET AL.   |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Matthew J. Ludwig      | 2178                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 July 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-17 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is responsive to communications: Amendment filed 7/14/05.
2. Claims 1-17 are pending in the case. Claims 1, 5, 10, and 13, are independent claims.
3. Claims 4, 8, 9, 16, and 17 were objected to as being in improper form; however, the objection has been withdrawn due to the applicant's amendment. The rejection of claims 3 & 4 under 35 U.S.C. 112, second paragraph has been withdrawn in response to the applicant's amendment. Finally, the rejection of claims 1-17 under 35 U.S.C. 103(a) as being unpatentable over Sorge in view of Chau has been withdrawn pursuant to applicant's arguments.

#### *Claim Rejections - 35 USC § 101*

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-17 are drawn to a series of mental and/or manual steps (i.e. a document processing system which contains a series of steps that do not require or contain a computer processor, etc.). In order for a claimed invention to accomplish a practical application, it must produce a “useful, concrete, and tangible result” State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02 (See MPEP 2106.II.A). A practical application can be achieved through recitation of “a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan”, or “limited to a practical application within the technological arts”

(MPEP 2106 IVB2(b)). Currently, claims 1-17 meets neither of these criteria. In order for the claimed process to produce a “useful, concrete, and tangible result, recitation of one or more of the following elements is suggested:

The manipulation of data that represents a physical object or activity transformed from outside the computer (MPEP 2106 IVB2(b)(i)).

A recitation of a physical transformations outside the computer, for example in the form of pre or post computer processing activity (MPEP 2106 IVB2(b)(i)).

A direct recitation of a practical application in the technological arts (MPEP 2106 IVB2(b)(ii)).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorge et al., USPN 6,613,098 filed (6/15/99) in view of Cho et al., USPN 6,754,677 filed (5/30/2000).**

**In reference to independent claim 1,** Sorge teaches:

Whenever possible EXCEL uses existing HTML tags to save the spreadsheet data into the HTML document. Tags related to the document and more specifically, to the document structure provide a suggestion of the limitation (compare to “*obtaining structure information describing the document structure*”). See column 14, lines 1-43.

A browser program will properly display the color as either blue or black for the values inserted into the HTML document, but HTML provides no mechanism for changing the cell color as a function of the value of the cells. This type of formatting information is persisted by writing the information in XML, which suggests the meta information describing the documents properties (compare to "*obtaining meta information describing the document properties*"). See column 12, lines 45-67 & column 13, lines 1-34.

MSO-Ignore enables EXCEL to differentiate between EXCEL parented data in an HTML document that should be displayed in EXCEL as a red font all the time and EXCEL parented data in an HTML document that should be displayed in EXCEL as a red font only if certain criteria are met (compare to "*obtaining document content*"). See column 9, lines 1-40.

The original formatting of the data in the parent spreadsheet program is also incorporated into the HTML document, such that the original formatting is ignored by a browser program, but available to be used by the parent spreadsheet program to recreate the original formatting when the data from the HTML document is reintroduced into the parent spreadsheet program (compare to "*creating a physical representation for the document based on the obtained structural information, meta information, and document content*"). See column 4, lines 20-67. Creating a physical representation could be interpreted by the Examiner in many different ways. A proficient example of a physical representation would be the document data inserted into the cells by the rountripping methods taught by Sorge.

The reference fails to explicitly state "transferring the created physical representation to the document repository", however, Cho teaches a method that combines the benefits of a centralized data and document repository with the flexibility of distributed spreadsheet

technology that effectively leverages the infrastructure of the Internet. More specifically, the reference points to the retrieval of spreadsheet data from a repository. See column 4, lines 10-34 and column 11, lines 12-23. It would have been obvious to one of ordinary skill in the art, having the teachings of Sorge and Cho before him at the time the invention was made, to modify the spreadsheet presentation methods taught by Sorge to include the repository methods of Cho, because it would have given the user proficient access to XML collection data through the stored procedures provided by the XML system.

**In reference to dependent claim 2,** Sorge teaches:

When the complete contents of such a file are translated into HTML, as is required for roundtripping, a collection of files, such as HTML, graphics, and binary are generated. See column 7, lines 55-67.

**In reference to dependent claim 3,** Sorge teaches:

The MSO-ignore property suggests a document identifier for the moved document. The employment of said identifier, if found, allows the browser program to ignore formatting instructions. See column 13, lines 1-35.

**In reference to dependent claim 4,** Sorge teaches:

The original formatting of the data in the parent spreadsheet program is also incorporated into the HTML document, such that the original formatting is ignored by a browser program, but available to be used by the parent spreadsheet program to recreate the original formatting when the data from the HTML document is reintroduced into the parent spreadsheet program

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**In reference to claims 5-9,** the limitations reflect the methods comprising instructions used for performing the methods as claimed in numbers 1-4, and in further view of the following, are rejected along the same rationale.

**In reference to claims 10-17,** the limitations reflect the system comprising instructions used for performing the methods as claimed in numbers 1-4, and in further view of the following, are rejected under similar rationale.

*Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML

September 28, 2005

*William L. Bashore*  
WILLIAM BASHORE  
PRIMARY EXAMINER  
10/2/2005